

Appeal of Dismissal of Service Delivery Deadline Extension request for Funding Year 2016 471
#161050880

Billed Entity Name: Warrick County School Corporation
Billed Entity Number: 130695
471 Number: 161050880
FRNs: 1699125323

Contact: Darsey Carnal, E-Rate Contact
AdTec, Inc
14614 Warner Trail
Westfield, IN 46074
317-581-0169
darsey@adtecerate.com

TEXT OF DECISION WE ARE APEALING:

(from RFCDL column titled "Post-Commitment Rationale (FRN Level)" attached as Copy of Post Commit Request-67309 - dismissal)

"The FRN referenced in your request has been reimbursed the entire amount of the funding commitment."

We are appealing the dismissal of the request for a service delivery extension for this FRN because the committed funding has not been disbursed (see attached Detailed Report run from the FRN Status Tool on February 22, 2018). We also ask that the original request for a service delivery extension be granted.

BACKGROUND

The Warrick County School Corporation (Warrick) planned a full network upgrade for their 16 instructional buildings for the 2016.19 funding year. The work was divided into four contracts at each building and the competitive bidding process selected three vendors for the work. The original intent was that work would begin as soon as classes ended in these schools (June 2016), but budget constraints required that E-Rate funding be approved prior to work beginning. The funding approval for the FRN included in this appeal was not received until January 9, 2017 which meant that the service provider for this FRN had lost the better part of eight months from their schedule and most importantly, all of the uninterrupted summer work hours. Work hours during the school year were restricted to after classes end for the day to avoid impacting student learning. This restricted the service provider's efforts to make up the lost time and meet the original service delivery deadline of September 30, 2017. They were also impeded by resource allocation issues. Because the work for Warrick did not begin in June 2016 as planned the service providers had to delay equipment delivery and release installation crews to other project that did begin on time. Once notice to proceed was received, the service provider worked diligently to reallocate those resources but, combined with the restricted work hours, were not able to match the pace originally planned for unrestricted summer work.

ANALYSIS

The USAC website provided the following guidance regarding service delivery...

In general, non-recurring services must be delivered and installed between July 1 of the relevant funding year and September 30, following the June 30 close of that funding year (i.e., 15 months after the beginning of the funding year). However, certain recipients have received or may receive extensions of the deadline for delivery and installation of non-recurring services. Such extensions can occur for various reasons, including:

- A Funding Commitment Decision Letter (FCDL) is issued by USAC on or after March 1 of the funding year for which support is authorized.
- Operational SPIN changes or service substitutions are approved by USAC on or after March 1 of the funding year. SPIN is also known as the [service provider's 498 ID](#).
- The applicant or service provider requested an extension because the service provider was unable to complete delivery and installation for reasons beyond the service provider's control.
- The applicant or service provider requested an extension because the service provider has been unwilling to complete delivery and installation after USAC withheld payment for those services on a properly-submitted invoice for more than 60 days after submission of the invoice.

USAC will automatically extend the service delivery deadline in situations where the first two criteria are met. Recipients of non-recurring services that fall under the third and fourth criteria must file an FCC Form 500 on or before the last date to receive service (generally September 30 following the close of the funding year) to request an extension of the service delivery deadline.

Work was delayed by the lack of a FCDL during the first summer of the funding year. Approval of the funding is a critical factor that is clearly beyond the service provider's control, meeting bullet point three of the guidance. The Form 500 (attached) requesting the extension of the service delivery date was filed on September 15, 2017, fulfilling the requirement that it be filed on or before the last date to receive service, as detailed in the final paragraph of the guidance.

Please note that a service delivery deadline extension would have automatically been issued had the FCDL been issued after March 1, 2017 demonstrating that lack of funding approval is an issue that adversely affects the schedule of some projects. What this bullet point does not address is the fact that for some complex projects delays of less than the nine months assumed in the first bullet can make it impossible to recover scheduling delays. This is particularly true for work in school buildings as the loss of uninterrupted work hours during the summer months cannot be made up when contractors are limited to after school and weekend work hours.

ACTION REQUESTED

We have demonstrated that there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements in our request that the service delivery deadline be extended for the FRN listed. We have demonstrated that the funding for this FRN

has not been disbursed. We have demonstrated that the original service delivery extension request fits the requirement that it be predicated on reasons beyond the service provider's control. We filed the original request for a service delivery extension within the timeline required. We request that this service delivery extension be granted, and that Invoice Deadlines be extended to match the new service delivery deadlines.

Attachments:

Detailed Report Feb 22 2018

Post Commit Request-67309 – dismissal

Form 500-67309 C2 extension

	A	B	BX	BY	BZ
1	FRN	FRN Nickname	FRN Committed	Invoicing M	Total Authorized
2	1699121917	Contract 4 Boonville Middle	\$1,263.00	SPI	\$1,263.00
3	1699124289	Contract 1 John Castle EL	\$39,011.96	SPI	\$39,011.96
4	1699124454	Contract 1 Yankeetown EL	\$20,728.73	SPI	\$20,728.73
5	1699124029	C1 Boonville High	\$32,115.86	SPI	\$32,115.86
6	1699124312	Contract 1 Loge EL	\$23,727.54	SPI	\$23,727.54
7	1699124761	Contract 2 Bonnville High	\$9,720.00	NOT SET	
8	1699124963	Contract 2 Loge EL	\$4,860.00	NOT SET	
9	1699124154	Contract 1 Castle High	\$80,215.91	SPI	\$80,215.91
10	1699124349	Contract 1 Newburgh EL	\$26,147.20	SPI	\$26,147.20
11	1699124836	Contract 2 Castle High	\$16,200.00	NOT SET	
12	1699124997	Contract 2 Newburgh EL	\$4,860.00	NOT SET	
13	1699124262	Contract 1 Elberfeld EL	\$8,044.36	SPI	\$8,044.36
14	1699124437	Contract 1 Tennyson EL	\$4,266.89	SPI	\$4,266.89
15	1699124924	Contract 2 Elberfeld EL	\$1,620.00	NOT SET	
16	1699125069	Contract 2 Tennyson EL	\$820.44	NOT SET	
17	1699124183	Contract 1 Castle North Middle	\$27,763.64	SPI	\$27,763.64
18	1699124366	Contract 1 Oakdale EL	\$32,810.68	SPI	\$32,810.68
19	1699124856	Contract 2 Castle North Middle	\$4,860.00	NOT SET	
20	1699125011	Contract 2 Oakdale EL	\$4,050.00	NOT SET	
21	1699124124	Contract 1 Boonville Middle	\$41,740.04	SPI	\$41,740.04
22	1699124325	Contract 1 Lynnvile EL	\$18,820.03	SPI	\$18,820.03
23	1699124802	Contract 2 Boonville Middle	\$6,480.00	NOT SET	
24	1699124982	Contract 2 Lynnvile EL	\$1,179.84	NOT SET	
25	1699124208	Contract 1 Castle South Middle	\$32,016.47	SPI	\$32,016.47
26	1699124386	Contract 1 Sharon EL	\$38,082.56	SPI	\$38,082.56
27	1699124883	Contract 2 Castle South Middle	\$8,586.00	NOT SET	
28	1699125030	Contract 2 Sharon EL	\$4,178.40	NOT SET	
29	1699124239	Contract 1 Chandler EL	\$18,783.03	SPI	\$18,783.03
30	1699124413	Contract 1 Techumseh JSH	\$23,371.62	SPI	\$23,371.62
31	1699124904	Contract 2 Chandler EL	\$4,860.00	NOT SET	
32	1699125052	Contract 2 Tecumseh	\$3,396.96	NOT SET	
33	1699125228	Contract 3 Chandler EL	\$10,018.80	NOT SET	
34	1699125353	Contract 3 Tecumseh	\$14,181.00	SPI	\$14,181.00
35	1699125730	Contract 4 Sharon Hub	\$25,303.83	SPI	\$25,303.83
36	1699070602	500 Mbps IA	\$55,800.36	SPI	\$39,240.00
37	1699027943	WOW phones	\$5,556.50	BEAR	\$5,529.19
38	1699125122	Contract 3 Boonville High	\$34,668.60	SPI	\$34,668.60
39	1699027915	bus relay tower phone	\$79.37	BEAR	\$79.37
40	1699125214	Contract 2 Castle South Middle	\$8,340.00	SPI	\$7,560.00
41	1699125323	Contract 3 Sharon EL	\$720.00	NOT SET	
42	1699125704	Contract 4 Oakdale EL	\$1,263.00	SPI	\$1,263.00
43	1699027954	T-1 line to Tennyson	\$2,093.54	BEAR	\$1,577.21
44	1699125184	Contract 2 Castle High	\$33,135.00	SPI	\$33,135.00
45	1699125293	Contract 3 Newburgh EL	\$933.60	NOT SET	
46	1699125689	Contract 4 Loge EL	\$1,263.00	SPI	\$1,263.00

Post Commit Request - 67309 - dismissal shortened

	C	D	E	F	G
1	Post-Commitment Request Type	Post-Commitment Application/Req	FRN	Post-Commitment Decision (FRN Level)	Post-Commitment Rationale (FRN Level)
90	FCC Form 500 - Contract Expiration Date Change	67309	1699125323	Approved	The Contract Expiration Date Change request for FRN 1699125323 has been approved and your FRN was modified.
91	FCC Form 500 - Service Delivery Extension Request	67309	1699125323	Dismissed	The FRN referenced in your request has been reimbursed the entire amount of the funding commitment.

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Darsey Carnal
WARRICK COUNTY SCHOOL CORP
300 E GUM ST
BOONVILLE, IN 47601
darsey@adtecerate.com

BEN: 130695**Post Commitment Wave:** 52

Totals

Original Commitment Amount	\$720.00
Revised Commitment Amount	\$720.00

What is in this letter?

Thank you for submitting your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



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- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
 - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
 - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
 - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,



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identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



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Revised Funding Commitment Decision Overview

Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699125323	Sitewise Incorporated	Appeals	\$720.00	Partially Approved



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Post Commitment Request Number: 92673	Post Commitment Request Type: Appeals	Post Commitment Decision: Partially Approved
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FRN: 1699125323	Service Type: Internal Connections	Original Status: Funded	Revised Status: Funded
FCC Form 471: 161050880			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$1,200.00
Total Pre-Discount Charges		\$1,200.00	
Discount Rate		60.00%	
Revised Committed Amount		\$720.00	

Dates		Service Provider and Contract Information	
Service Start Date	7/1/2016	Service Provider	Sitewise Incorporated
Contract Expiration Date	9/30/2018	SPIN (498ID)	143036094
Contract Award Date	5/25/2016	Contract Number	
Service Delivery Deadline	9/30/2017	Account Number	
Expiration Date (All Extensions)		Establishing FCC Form 470	160034076

Consultant Information	
Consultant Name	Darsey Carnal
Consultant's Employer	AdTec-Administrative and Technical Consulting
CRN	16024741

Revised Funding Commitment Decision Comments:
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Post Commitment Rationale:

The rationale provided on the Form 500 # 67309 was incorrect. The funding has not been disbursed for this FRN. However, the appeal is denied for the following reason: FCC Rules related to the payment of support for discounted services establish deadlines for service providers to deliver services/products to the applicant. The FCC provides an extension of this deadline under certain conditions. Those conditions are documented in the USAC website at: <http://www.usac.org/sl/applicants/before-youre-done/delivery-extension.aspx>. Your request did not provide information that satisfied those conditions. Your appeal has not brought forth clear information establishing that those conditions were met but not considered. Therefore, your appeal is denied.